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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/529,925

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Dai Kamiya

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NTT Mobile Communications Network I/BHGL

P.O. Box 10395

Chicago, IL 60610

EXAMINER

MEJIA, ANTHONY

ART UNIT

PAPER NUMBER

2151

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/529,925	<b>Applicant(s)</b> KAMIYA ET AL.	
	<b>Examiner</b> ANTHONY MEJIA	<b>Art Unit</b> 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :03/30/2005, 04/20/2007, 10/05/2007.

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Japanese Application No. 2003101142957, filed on 12 November 2003.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4-6, 7, and 9-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Lahti (US 7,363,354).

Regarding Claim 1, Lahti teaches a communication system comprising:

a communication terminal (WAP terminal 306); and

a relay device (WAP provisioning server 302) for relaying data

communication between said communication terminal and a server (application servers 308, 310, 312) (col.8, lines 28-45);

said communication terminal comprising:

storage means (WAP terminal 306) for storing an application (user agent 307) that communicates with a server via a network (network 316) (col.8, lines 52-57, and col.14, lines 24-39);

sending means (WAP terminal 306) for communicating with said server in response to said application; and before performing said communication, including application related information related to said application in a communication request, and sending the request to said server (col.8, lines 28-36); said relay device comprising:

receiving means for receiving a communication request from said communication terminal (col.8, lines 28-36);

relay processing means (WAP provisioning server 302) for relaying communication requested from said communication request; and in a case that application related information included in said communication request satisfies a predetermined condition (pre-configured parameters), and regulating the communication requested from the communication request (col.8, lines 28-32).

Regarding Claim 2, Lahti teaches the communication system of Claim 1 as described above. Lahti further teaches wherein said application related information further includes communication identification information indicating, in a case that the application run by said sending means is an application of a specific type, that the communication is performed by an application of a specific type (col.8, lines 52-57); and wherein,

said relay processing means further regulates, in a case that said application related information includes said communication identification information, communication requested by said communication request (col.8, lines 34-44).

Regarding Claim 4, the communication system of Claim 1 as described above. Lahti further teaches wherein said application related information further includes server identification information for identifying a server from which said application is delivered (col.8, lines 51-58); and wherein,

said relay processing means further regulates, in a case that the server identified by server identification information included in said application related information is a specific server, communication requested by said communication request (col.8, lines 33-36, and col.9, lines 15-18).

Regarding Claim 5, Lahti teaches the communication system of Claim 1 as described above. Lahti further teaches wherein said application related information further includes application identification information for identifying said application (col.8, lines 52-58); and wherein,

said relay processing means further regulates, in a case that the application identified by application identification information included in said application related information is a specific application, communication requested by said communication request (col.9, lines 15-18).

Regarding Claim 6, Lahti teaches a relay device (WAP provisioning server 302) for relaying data communication between a communication terminal (WAP terminal 306) and a server (application servers 308, 310, 312) (col.8, lines 28-45); said relay device comprising:

receiving means (WAP provisioning server 302) for receiving a communication request including application related information related to an application, from a communication terminal running the application for communicating with a server via a network (col.8, lines 32-41);

determination means (WAP provisioning server 302) for determining whether application related information satisfying a predetermined condition (parameters) is included in said communication request (col.8, lines 61-68, and col.9, lines 1-2); and relay processing means for processing, in a case that said application related information satisfying a predetermined condition is included in said communication request, the communication by following the pre-stored regulation information (col.8, lines 52-58).

Regarding Claim 7, this device claim comprises limitation(s) substantially the same, as those discussed on claim 2 above, same rationale of rejection is applicable.

Regarding Claim 9, this device claim comprises limitation(s) substantially the same, as those discussed on claim 4 above, same rationale of rejection is applicable.

Regarding Claim 10, this device claim comprises limitation(s) substantially the same, as those discussed on claim 5 above, same rationale of rejection is applicable.

Regarding Claim 11, Lahti teaches the relay device of claim 6 as described above. Lahti further teaches wherein said regulation information includes at least any one of:

- a condition to regulate duration of communication;
- a condition to regulate communication amount (col.6, lines 47-55);
- a condition to regulate amount of traffic (col.6, lines 47-55), and
- a condition for regulating communication frequency (col.6, lines 47-55).

Regarding Claim 12, Lahti teaches the relay device of claim 6 as described above. Lahti further teaches wherein said regulation information includes at least either one of: a condition to regulate said communication, or a condition for permitting said communication (col.6, lines 47-55).



***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lahti in further view of Orenshteyn (US 2002/0169878)

Regarding Claim 3, Lahti teaches the communication system of Claim 1 as described above. Lahti does not explicitly teach wherein said application related information further includes activation type information, indicating the activation mode of said application; and wherein, said relay processing means further regulates, in a case that an activation type indicated by said activation type information included in said application related information, communication requested by said communication request.

Orenshteyn in a similar field of endeavor, discloses a secured system for accessing application services from a remote station including the step wherein an application related information further includes activation type information (wherein the activation type is being interpreted as a timer activated by a user, see page 7, par [0039]), indicating the activation mode of said application (par [0088] and [0091]; and wherein,

a relay processing means further regulates, in a case that an activation type indicated by said activation type information included in said application related information, communication requested by a communication request (par [0088] and [0091]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Orenshteyn to implement user control into the system. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Lahti and Orenshteyn in order to optimize security, and preserve network resources on the system.

Regarding Claim 8, this device claim comprises limitation(s) substantially the same, as those discussed on claim 3 above, same rationale of rejection is applicable.

#### ***Other Pertinent Prior Art***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Honda (2002/0002605) discloses a server/client system and program for implementing application distribution in this server/client system.

B. Polen et al. (US 7,359,933) disclose providing remote access to network applications using a dual proxy.

C. Rutherglen et al. (US 7,356,839) disclose a secure data accessing system

and method.

D. Huang et al. (US 2002/0015384) disclose a broadband Ethernet data flow control.

E. Minear et al. (US 2003/0060189) disclose a test enabled application execution.

F. Shapiro et al. (US 5,991,810) disclose a user name authentication for gateway clients accessing a proxy cache server.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY MEJIA whose telephone number is (571)270-3630. The examiner can normally be reached on Mon-Thur 9:30AM-8:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2157

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mejia, Anthony  
Patent Examiner

/Salad Abdullahi/

Primary Examiner, Art Unit 2157